

LOCAL LAW NO. P FOR 2016

A LOCAL LAW TO HELP ADDRESS THE WAGE GAP BETWEEN WOMEN AND MEN BY PROHIBITING EMPLOYERS FROM REQUIRING JOB APPLICANTS TO PROVIDE PRIOR OR CURRENT SALARY INFORMATION BEFORE OFFERING THEM EMPLOYMENT

Introduced: 9/12/16

By Mss. Lekakis, Cunningham, Messrs. Clenahan, Reinhardt, Bullock, Simpson, Ms. Chapman, Messrs. Domalewicz, Higgins, Ethier, Fein, O'Brien and Ms. McLean Lane

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

This Legislature hereby finds that according to a United States Census Bureau 2016 report on the full-time and year-round labor market, women are paid 79.6 cents for every dollar a man makes. Women of color are paid even less - African American women are paid only 70.6 cents to the dollar paid to men, Hispanic women are paid only 60.7 cents to the dollar paid to men, and Asian women are paid only 94.6 cents to the dollar paid to men.

This Legislature further finds that the wage gap ratio of 79.6 percent is actually a moderate estimate of gender pay inequality - if part-time workers are included, the wage ratio is 72.7 percent, a gap of 27.3 percent.

This Legislature further finds that in August 2016, Massachusetts became the first state to enact a law prohibiting employers from seeking or requiring a prospective employee's wage history.

This Legislature further finds that since women are paid on average lower wages than men, basing wages upon a worker's wage at a previous job only serves to perpetuate gender wage inequalities.

This Legislature further finds that salary offers should be based upon the job responsibilities of the position sought and not based upon the prior wages earned by the applicant.

Therefore, the purpose of this Local Law is to help address the wage gap between women and men by prohibiting employers from requiring job applicants to provide prior or current salary information before offering them employment.

Section 2. Prohibitions.

Section 7, subsection 1. of Local Law No. 1 for 2000, “An Omnibus Human Rights Law for Albany County,” as amended by Local Law No. D for 2013, is amended by the addition of a new subdivision (i) as follows:

(i) It shall be an unlawful practice for an employer or an employment agency to:

- (1) screen job applicants based on their wage, including benefits or other compensation or salary histories, including by requiring that an applicant’s prior wages, including benefits or other compensation or salary history, satisfy minimum or maximum criteria; or
- (2) request or require as a condition of being interviewed, or as a condition of continuing to be considered for an offer of employment, that a job applicant disclose prior wages or salary history; or
- (3) seek the salary history of any job applicant from any current or former employer; provided, however, that a job applicant may provide written authorization to a prospective employer or employment agency to confirm prior wages, including benefits or other compensation or salary history, only after any offer of employment with compensation has been made to the job applicant.

Section 3. Applicability.

This Local Law shall apply to all actions occurring on or after the effective date as set out in Section 5.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date.

This law shall take effect thirty (30) days following its filing in the Office of the New York State Secretary of State.

Referred to Law Committee. 9/12/16

Favorable Recommendation- Law Committee 7/26/17

Referred to Law and Personnel Committees. 8/14/17